

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEAN MADPLUME,

Defendant.

CR-15-28-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 20, 2017. (Doc. 37.) The 14-day period for objections has not yet expired. However, due to the recommendation to release the defendant from custody on the same day Judge Johnston filed the Findings and Recommendations, the Court has reviewed the Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Both parties still have 14 days to file objections.

Judge Johnston conducted a revocation hearing on March 16, 2017. (Doc. 37 at 3.) Madplume admitted that he violated the conditions of his supervised release.

The violations prove serious and warrant revocation of Madplume's supervised release. Judge Johnston has recommended that the Court revoke Madplume's supervised release and commit Madplume to the custody of the Bureau of Prisons until March 20, 2017. *Id.* Judge Johnston further has recommended that 33 months of supervised release follow his custody period, to include 180 days at the Great Falls Prerelease Center. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Madplume's violations of his conditions represent a serious breach of the Court's trust. A sentence custody until March 20, 2017, followed by 33 months supervised release, including 180 days at the Great Falls Prerelease Center, represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 37) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Dean Madplume be sentenced to custody until March 20, 2017, followed by 33 months of supervised release, to include 180 days at the Great Falls Prerelease Center.

DATED this 20th day of March, 2017.



Brian Morris
United States District Court Judge